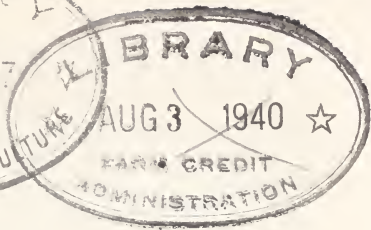
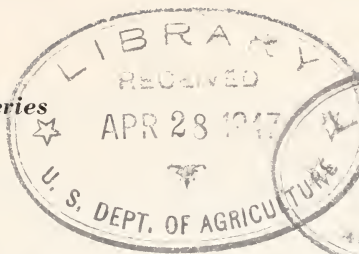


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County Planning Series
No. 7



Rural Zoning and Land Use Planning

If the information contained in this leaflet indicates to the land use planning committee that rural zoning might be useful in its county, the committee is urged to obtain additional facts about zoning and zoning ordinances. These can be supplied by the county agent, the State agricultural college, or the Bureau of Agricultural Economics.

RURAL zoning is one of the many tools that county and community planning committees can sometimes employ effectively to help improve land use conditions within the county. Zoning is largely a preventive measure. Even in the places where it can operate most successfully, it should always be used in conjunction with other tools for assisting adjustments in land use.

Rural zoning provides a way in which a county, by adopting a local ordinance, can guide the location of new settlers and prevent the further expansion of undesirable land uses that are now occurring in the county or in parts of it. A rural zoning ordinance does not stop anyone from continuing the undesirable uses of land that were begun before passage of the ordinance, or from continuing to live on his farm. It simply bars new persons from undertaking the specified undesirable uses, or from establishing new homes in isolated areas.

Prepared by the Bureau of Agricultural Economics, in cooperation with the Extension Service, the Soil Conservation Service, and the Farm Security Administration, U. S. Department of Agriculture.

Zoning, used by itself, causes no immediate improvements in land use, and is, therefore, a rather negative measure. When used along with measures such as public land purchase, relocation of stranded families, adjusted credit policies, and other devices, however, rural zoning often may give outstanding assistance in a county's efforts to bring about better land use and a better life for its people.

Principles Are Same as Used by Cities in Zoning.

Rural zoning is based on the same principles as city zoning. Where a city ordinance, for instance, marks out boundaries within which no stores or factories can be built in the future, a rural zoning ordinance designates areas where cultivation of land, or other specified land uses, cannot be undertaken in the future by new operators or in new places. The present operations of people who are already located in an area at the time the land is zoned are not restricted or interfered with by zoning provisions, as these provisions simply establish a legal policy to be followed in the future.

In most instances, the county has to get authority from the State legislature, through an enabling act, before it can enforce rural zoning restrictions. If such an act has not been adopted in a State where a planning committee is considering the use of rural zoning, then it will be necessary for the State legislature to pass the act before zoning will be possible in the county (except possibly in Idaho). County and State land use planning committees in cases like this often will find that their interest in zoning can be very helpful in obtaining legislative consideration for the desired type of enabling act.

The State enabling act simply permits the county to adopt and enforce a zoning ordinance, when and if the people of the county wish to draw one up and adopt it. The act does not establish zoning regulations for the county. Instead, it outlines the scope that zoning can have, and the actual provisions of the ordinance are determined within the county. The zoning ordinance itself goes into effect only after it has been approved by the county governing body. Provisions of the ordinance can be modified or changed by county officials whenever the necessity arises.

Zoning is a local affair. Local public opinion is the final arbiter here, not only in obtaining the initial ordinance, but also in determining the success of zoning after it goes into effect. Whether an ordinance shall be adopted or not is a matter for local people to decide after they have all the facts at hand and after there has been full opportunity for everyone

to discuss its provisions and to reach a generally acceptable agreement.

What Rural Zoning Can and Cannot Do.

Here are some things to be remembered when a planning committee is considering the usefulness of rural zoning:

1. The effectiveness of a rural zoning ordinance depends upon how well it is understood and supported by local people.
2. Rural zoning by itself is merely a legal limitation upon the future occupancy of land or upon the use to which land is put by future settlers. If unassisted by other measures, it can be of little immediate help in improving land use conditions.
3. Rural zoning does not afford new farms or good land to farmers needing them and does not affect established homes nor change the way land is used on farms already being operated within a zoned area.

Possible Benefits From Zoning Are Cited.

On the other hand, there are undoubted advantages which may be obtained in some counties by zoning. For example:

1. If backed by public opinion, rural zoning closes land to new settlement or stops undesirable uses of land by new settlers. Sometimes the prevention of new settlement by itself will do much to discourage undesirable land uses in the future. Often rural zoning ordinances make a valuable contribution toward conservation of land resources, and protect new settlers against undertaking unwise farming operations.
2. When effective, rural zoning may help develop forests into permanent sources of income and recreation by contributing to forest protection and development.
3. By discouraging the location of farm families in sparsely settled areas, zoning can keep down the need for providing excessively expensive public services to those areas. It can make possible more effective use of available funds for rural relief, roads, schools, and other services.
4. Rural zoning can help to guide settlement away from undesirable locations. These locations include farms where the land is too poor to provide a satisfactory livelihood to farmers, and isolated farms far from settled communities.

How to Go About Giving Rural Zoning a Trial.

If it appears that rural zoning will meet a real need in the county, the county planning committee may wish to help obtain a zoning ordinance. In Wisconsin, Michigan, Pennsylvania, Virginia, California, Colorado, or in certain counties in Tennessee, Georgia, Missouri, Minnesota, Maryland, Delaware, and Florida, and possibly in Idaho and Washington, a county planning committee, working with county or town officials, can, if it wishes, take immediate steps to aid the drafting and adoption of zoning regulations. These States, except Idaho, have adopted legislation to permit counties to adopt and enforce zoning acts. In Idaho a constitutional provision, may allow zoning without the necessity for any enabling legislation. In other States, however, the local and State planning committees will find that State enabling acts have not yet been passed. Since some committees may wish to ask for this type of action, there are additional considerations which should be mentioned here as an aid to those committees.

To begin with, it is important that a State zoning enabling act be drawn up with the advice of someone familiar with zoning laws, so that no constitutional or other questions will be overlooked. The Bureau of Agricultural Economics, if requested through the proper channels, can give this assistance when necessary.

The need for the enabling act can be presented to the State legislature in a number of ways: (1) through the county's representatives in the State legislature; (2) through the State land use planning committee; (3) or through various other organizations or channels that may be available.

Assistance Needed in Drafting Ordinance.

When an enabling act has been passed, the county must decide upon the form its ordinance will take. At this point there is need for technical advice and help in determining the kind of ordinance that is needed and in drafting the ordinance itself in proper form. Extensive data on land use conditions in the county may be needed. If county or community committees already are studying their land use problems, then much of this information may be readily available. In any case, it is desirable that the ordinance be drafted on the basis of the fullest possible information about such matters as ownership, types of farming, population statistics, farming practices, the amount and kind of taxes and tax delinquency, roads, schools, reasons for settlement—every-

thing, in fact, that is necessary to give a full picture of the county and its economy.

When this picture is clearly in mind, drafting the ordinance should not be difficult. In obtaining the needed information, as well as in assisting with drawing up the ordinance, the Bureau of Agricultural Economics and State college and extension workers are prepared to help. The drafting of a zoning ordinance is mainly a matter of deciding where it is best for the county to have future settlers live, and locating those parts where it is desirable to keep them from settling in the future.

The long-time effect of rural zoning is to bring people together in more compact groups, closer to roads and schools, and by this means to make possible better public services for them at less cost. One type of zoning ordinance that has been recently developed simply limits occupancy of land in certain parts of the county. Under an ordinance like this, no new settler will be permitted to establish a permanent home in the zoned areas, although anyone may live there for short periods of time, to hunt, fish, or enjoy the other recreational opportunities. This type of ordinance in some cases does not prevent farming in the zoned sections, and thus it often may be possible for people to live in the unrestricted parts of the county and yet farm in the zoned parts. Such an ordinance puts the stress upon public savings that result from developing more compact rural settlement.

Other Types of Ordinances for Other Problems.

Many present ordinances, on the other hand, divide a county into districts according to the use to which the land should be put if it is to serve the best interests of the county. In some counties, three districts have been established: one for forestry, one for recreation, and one open to any kind of use. Other counties have omitted the recreation district.

It is conceivable, for instance, that an area in a semiarid region might be zoned against cultivation, if there was general agreement that cultivation was undesirable in the interests of avoiding serious soil erosion and damage to other lands in the county.

In a forestry district, for example, nothing but forestry and recreational development and use may be allowed as a future policy, and year-round occupancy or farming by new settlers may be forbidden. Other kinds of areas also may be outlined in the ordinance, and different conditions can be set forth under which land may be occupied or used. The type

of ordinance will depend on local problems and conditions, and the kind of zoning that is possible under State laws.

The Need for Popular Understanding and Support.

When a county planning committee is interested in encouraging the adoption of a rural zoning ordinance, it will want to make sure in every way possible that the proposed ordinance is thoroughly understood and approved by the people of the county. To meet the demands of some groups, the proposed ordinance may often need to be revised into more acceptable form. In many cases these revisions may be made without weakening the usefulness of the ordinance, and the changes may assure a wider degree of public approval. Occasionally it may be impossible to make the revisions wanted by particular groups and at the same time to retain essential features of an ordinance. In these cases the adoption of the ordinance should be postponed until everybody concerned has had further chance to study the matter and work out a basis for agreement.

A county planning committee that has been responsible for drafting a zoning ordinance in preliminary form and that wishes to see zoning put into effect has another important responsibility. This is the job of helping explain the purposes and provisions of the ordinance to people throughout the county. In this the committee will find it necessary to use public meetings, round-table discussions, newspaper publicity, radio talks, and other informational channels to the fullest possible extent. By these means, thorough information can be given the public about the need for zoning, as well as about the provisions of the ordinance. The people of the county also can have ample opportunity through discussion meetings to make their views and suggestions effective in shaping up the ordinance into form suitable for adoption. This democratic procedure not only will result in a better understanding and support of zoning, but also will avoid the necessity for many changes in the ordinance that otherwise might have to be made later.

Why is Interest in Rural Zoning Increasing?

What is the reason for the growing interest in rural zoning in recent years? For one thing, the general agricultural and business depression has brought to the fore many of the problems that rural zoning can help to solve. The depression, of course, is not by any means the only cause of those problems.

Partly as a result of the depression, however, much land that had not been occupied for generations and some that never had yielded a living to farmers, has been taken over in recent years by thousands of families who were unable to find work in the cities. They joined other thousands who already were stranded on poor land or in sparsely settled areas. The new migrants often located on farms far distant from neighbors, schools, and towns, thus adding substantially to the public costs of providing public services for them. Even the best of farmers couldn't make a living from some of the land they are farming.

For families on farms like these, living becomes a vicious circle. Unable to make a livelihood on the land, they frequently are forced to accept public relief. Others may manage to leave such land before it has throttled them, but the problem is still unsettled because someone else probably will take over the land, try to farm it, and be overtaken by disaster.

Isolated Families More Costly to Public.

Isolated rural homes, in addition to being deprived of an opportunity to enjoy real community life, cannot participate in the economies that closer settlement makes possible. The county or State or community has to spend a great deal more per family to keep children of isolated families in school, and to keep roads to their homes open, than is needed in more thickly populated rural areas. Relief costs, too, are high for people in this group. On the other hand, public revenues collected from isolated rural families are usually quite small.

In one county in Minnesota, for instance, the cost of transporting to school the children living in 28 homes was \$185 per year. Yet the average annual tax against these farms was only \$10, and not all of that was collected. The money saved might be considerable in some counties if excessively scattered settlement were eliminated. More important, however, is that this elimination would enable the county to get greater value per dollar spent, and would release needed funds for uses that would benefit larger numbers of rural people. Zoning can contribute materially to this elimination, if used in connection with other devices that will actively encourage scattered families to locate elsewhere. Zoning by itself only keeps new people from settling in the area.

New Settlement Problems Are Widespread.

The problems of new settlement are by no means restricted to a few sections or a few people of the Nation. In the five years from 1930 to 1935, for instance, nearly 600,000 new farms were brought into use, and almost half of those 600,000 were put to plow in areas of the kind where rural zoning ordinances sometimes have been adopted. So it is clear that the problems of new settlement are widespread.

Putting limitations upon the occupancy of poor land, or closing it to new attempts at farming, does not provide an alternative source of livelihood for the people who might otherwise locate there. But sometimes it does result in opening up new and more permanent means of income for a smaller number of people. In many wooded areas, or areas of great scenic beauty, for instance, land can be zoned for use as recreation sites, camping grounds, forests, or game preserves. Often the land now in isolated farms is good forest land, and, in fact, should never have been used for anything else.

If proper care is given to protecting the timber of an area after a zoning ordinance has been adopted, timber and forest industries can provide a constant source of taxable income, and can contribute to individual incomes from part-time employment and farm woodland development. It is seldom that very many people can be supported by forestry work, or recreational uses, and then only after the lapse of a good many years, but the income is fairly permanent and may represent a net addition to the community resources.

Public Health Work May Be Made More Effective.

An advantage of rural zoning which is sometimes overlooked is that it may make public health work more effective. Not only is it hard for a doctor to reach a family far out in isolated sections, but when contagious diseases break out on isolated farms, health authorities often are not informed in time to take the necessary steps to protect the patient and the public. Forest-fire hazards also may be reduced when farms are not too scattered and cut off from others.

Rural zoning is by no means a cure-all for farm problems. Some general observations already have been made as to what it can and cannot do. In addition, there are various practical problems that must be considered. Strong differences of opinion may arise in a county, for instance, about locating the boundaries of the land on which future occu-

pancy or uses are to be limited. It should also be clearly realized, as has been said, that rural zoning alone cannot end bad land use practices by present farm owners or eliminate isolated settlement—not immediately, at least. To be of maximum effect, therefore, zoning has to be used along with other planning measures and devices. It must be admitted also that good zoning practices can be made ineffective because of various kinds of local pressure, unless public opinion is squarely behind the zoning and can make its wants felt in the enforcement of the zoning ordinance.

Rural Zoning Used With Other Measures.

A rural zoning ordinance, it has been pointed out, has its best effect when used along with other measures for obtaining desirable land use adjustments. For instance, a public land-purchase program operating in a zoned area can enable stranded and isolated farm families to dispose of their holdings and move elsewhere. A number of States now have land-purchase programs of their own, which county planning committees will wish to investigate in this connection. The Soil Conservation Service is now administering a land-purchase program also.

An example of the way the Federal program can sometimes assist adjustments in zoned areas is given in the work now being done in 25 counties in northern Wisconsin. These counties have adopted zoning ordinances, and the Soil Conservation Service is helping make zoning more immediately effective by buying up farms in the most extreme cases of isolated settlement.

The Farm Security Administration is prepared, in some instances, to make loans to isolated families, in connection with the land-purchase program, to enable them to get a fair start on better land or in more densely settled areas. The combination of land-purchase activities and a lending program, it has been found, can multiply the effectiveness of zoning many times.

Some Tools to Use as Aid to Zoning.

There are many other land use planning tools that can be used also. Public and private credit policies, if shaped so as to avoid encouraging unwise land uses and occupancies, can contribute toward accomplishing the aims of zoning. Road and school policies, if directed with zoning aims in mind, can do their share, too. State and county policies of

handling taxes and tax-delinquent land also may have a very constructive effect, when designed to help in obtaining land use adjustments.

Many kinds of assistance along these lines can be valuable after a county has passed a zoning ordinance. County land use planning committees, as well as cooperative grazing associations, soil-conservation districts, civic groups, and others who may be interested in making a zoning ordinance more useful, will wish to work closely with public agencies in developing various measures and policies that will help in the undertaking.

Previous publications in this County Planning Series:

- No. 1—County Land Use Planning.
- No. 2—Membership of Land Use Planning Committees.
- No. 3—The Land Use Planning Organization.
- No. 4—The Scope of Land Use Planning.
- No. 5—Pooling Ideas in Land Use Planning.
- No. 6—Communities and Neighborhoods in Land Use Planning.

